UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HEXACTA INC., et al.,

Plaintiffs,

v.

KEVIN MCALEENAN, et al.,

Defendants.

CASE NO. C19-554RSM-DWC

ORDER ADOPTING REPORT AND
RECOMMENDATION

This matter is before the Court on the Report and Recommendation (R&R) of United States Magistrate Judge David W. Christel recommending that the Court issue a preliminary injunction to maintain the status quo during consideration of this matter. Dkt. #31. Defendants object only to the R&R's determination that Plaintiffs are likely to succeed on the merits. Dkt. #35. Specifically, Defendants argue that in so concluding the R&R incorrectly placed the burden of proof on Defendants and incorrectly applied the applicable legal standard. *Id.* Plaintiffs responded in support of the R&R. Dkt. #36.

The Court does not agree with Defendants' objections. The R&R correctly lays out the legal standard, accurately applies that standard to the record, and did not subject Defendants to

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the burden of proof. Accordingly, and having reviewed the briefing and the record, the Court finds and ORDERS:

1. The Report and Recommendation (Dkt. #31) is ADOPTED.

2. Plaintiffs' Motion for a Preliminary Injunction (Dkt. # 13) is GRANTED.

3. It is hereby ORDERED that, pending the adjudication of the merits of Plaintiffs' claim, Defendants are hereby restrained from giving effect to their denial of (1) the Form I-129 Petition for Nonimmigrant Worker, otherwise known as an L-1A petition, that Plaintiff Hexacta, Inc., filed on behalf of Jose Javier Lopez de Lagar; and (2) the Form I-539 Application to Extend/Change Nonimmigrant Status, otherwise known as an L-2 application, that Flavia Paola Sosa filed on behalf of herself and her and Lopez de Lagar's three daughters, J.L., D.L, and I.L., until the Court can issue a decision on the merits.

4. The Clerk shall send copies of this Order to the parties and to Magistrate Judge Christel.

Dated this 16 day of July 2019.

RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

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